

I. Introduction

This publication provides information about the duties and obligations imposed by state and federal law on election staff, election inspectors, election challengers, poll watchers, voters, and members of the public under Michigan and federal election laws. Any questions or concerns about the information contained in this document may be addressed by emailing BOERegulatory@michigan.gov or by calling the Bureau of Elections during business hours at (517) 335-3234.

II. Prohibitions Against Disruptions and Disturbance of the Peace at Voting Locations

The United States Supreme Court has explained that the polling place on election day is “a special enclave” with “[r]ules [that] strictly govern who may be present, for what purpose, and for how long.”¹ Michigan and federal law establish duties and prohibitions to ensure that voters are able to cast their ballot in an orderly, undisturbed manner.

The Michigan Election Law grants election inspectors the “full authority to maintain peace, regularity, and order” in the polling place.² Election inspectors have the authority to issue instructions and direction to anyone present in the polling place, and those persons are required to obey all lawful instructions or directions issued by an election inspector at the polling place.³ Election inspectors maintain this authority and duty before the polls open, while polls are open, and during the canvass of the precinct’s votes conducted after the poll is closed.⁴ This authority includes, but is not limited to, instructing election challengers and poll watchers on the rights and responsibilities of those challengers and poll watchers, and instructing challengers or poll watchers to cease activities that violate the duties of challengers or poll watchers.⁵ In serious cases, or cases where a challenger

¹ *Minnesota Voters Alliance v. Mansky*, 138 S. Ct. 1876, 1886 (2018).

² MCL 168.678.

³ *Id.*

⁴ *Id.*

⁵ See *The Appointment, Rights, and Duties of Election Inspectors and Poll Watchers*, published by the Michigan Bureau of Elections and available at



or poll watcher has repeatedly ignored the instructions of an election inspector, the election inspector has authority to order the challenger or poll watcher to leave the polling place.⁶ If the challenger or poll watcher refuses to leave the polling place, the election inspector may request that law enforcement remove that challenger or poll watcher.⁷

Michigan and federal law also prohibit and criminalize conduct that could intimidate or confuse voters or otherwise disrupt the voting process, including the use of force or threats intended to stop a person from registering to vote or from voting in a primary or general election.⁸ Under the Michigan Election Law, it is a felony for a person who is not an election official or election inspector to intentionally misrepresent themselves at the polling place on Election Day as an election official, election inspector, or as holding some other role that would give them authority over the voting process.⁹ Any intentional misrepresentation or dissemination of false information regarding the methods of voting in a primary or general election where a federal office appears on the ballot, including misinformation about the dates, times, or locations at which a person may vote, is also a federal crime.¹⁰ It is a federal crime for an officer or military officer, or an employee of the federal government, to order, bring, maintain, or in any way control any troops or armed persons at a polling place on Election Day.¹¹

Finally, many polling places are located within schools or private property that place some general restrictions on every person who enters the location. These restrictions must be respected by voters, election inspectors, challengers, and poll watchers, so long as the restriction does not prevent a person from voting or carrying out election-related duties. A typical example of a reasonable restriction that must be respected is a school's prohibition on firearms on school grounds. Except in specified situations, open carry and concealed carry of firearms are generally prohibited in school buildings and places of worship.¹²

https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf.

⁶ *Id.* at 21, 24.

⁷ *Id.*

⁸ MCL 168.932(a); 18 U.S.C. § 245 (b)(1)(A); 52 U.S.C. § 20511; 18 U.S.C. § 594.

⁹ MCL 168.932e.

¹⁰ 18 U.S.C. §§ 241-42.

¹¹ 18 U.S.C. § 592.

¹² *Overview of Current Voter Intimidation and Firearms Laws*, https://www.michigan.gov/-/media/Project/Websites/sos/03mcalpine/Overview_of_Current_Voter_Intimidation_and_Firearms_Laws.pdf?rev=227b0597204849a1aa4ca06f5fd06819



III. Powers and Duties of Clerks, Clerk Staff, and Election Inspectors

Election inspectors maintain the “full authority to maintain peace, regularity, and order” in the polling place.¹³ This broad grant of authority allows election inspectors to issue lawful instructions and directions to ensure that every qualified voter can cast a ballot without disruption, distraction, or intimidation.

Federal law bars election inspectors, clerks, and clerk’s staff from taking actions that prevent voters from casting ballots or which might compromise the integrity of the electoral process. Any person who obstructs, or attempts to obstruct, a voter during the voting process is guilty of a felony.¹⁴ A clerk may dismiss an election inspector who violates this prohibition; if the election inspector refuses to leave the polling place after being dismissed, the clerk can request that law enforcement remove the person from the polling place.¹⁵ Actions that could compromise the electoral process include preventing qualified electors from voting, intentionally misreporting election results, or other malfeasance during a primary or general election where a federal office appears on the ballot.¹⁶ Election inspectors (and all other persons) must also refrain from taking actions that would damage a ballot box or voting machine or otherwise cause an inaccurate vote total to be reported from their precinct.¹⁷

IV. Prohibitions against Campaigning Within 100 Feet of Voting Locations

Polling places must be free from campaigning or campaigners who attempt to sway a person’s vote. Michigan Election Law makes it a misdemeanor for a person to engage in campaign related activity within 100 feet of the entrance used by voters to access a building in which a polling place is

¹³ MCL 168.678.

¹⁴ MCL 168.932(d).

¹⁵ See Authority of City and Township Clerks Over Election Inspectors, published by the Bureau of Elections and available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Clerk-Authority-Over-Election-Inspectors.pdf>.

¹⁶ 18 U.S.C. §§ 241-42; 52 U.S.C. § 20511(2)(b).

¹⁷ MCL 168.932(b).



located.¹⁸ Within the 100 foot zone, this prohibition bars a person, including an election inspector, from attempting to persuade a voter how to vote, from distributing campaign literature urging voters to vote a certain way, from soliciting campaign contributions, from requesting signatures on signature petitions, or posting signs or any other material that directly or indirectly references the election.¹⁹ This prohibition does not bar a voter from bringing campaign literature into the polling place with them, so long as the literature is used only for the voter's own reference and the voter does not attempt to distribute the literature to other voters.

It is a misdemeanor for a person to cause the name of a public or appointed official to appear on a temporary sign or display in the polling place, or to cause such a name be included on materials distributed to voters in the polling place.²⁰ This prohibition does not apply to permanent fixtures present that will be in the space used for the polling place both before and after election day.

It is a felony for a person to attempt to bribe, threaten, or in any way improperly influence the way that a voter votes.²¹

V. Voting-Related Offenses

Michigan and federal law both prohibit certain conduct by voters and the general public. The following actions are crimes:

- Impersonating another person in order to cast a ballot under that person's name, to attempt to convince someone else to attempt to vote under a name other than their own, or to attempt to vote when a person is not a United States citizen;
- Attempting to register to vote or to attempt to vote under a false or fake name;²²
- Registering to vote when a person knows they are ineligible to register;²³

¹⁸ MCL 168.744; MCL 168.931(1)(k).

¹⁹ MCL 168.744.

²⁰ MCL 168.744a.

²¹ MCL 168.932(a).

²² MCL 168.932a(b); 52 U.S.C. § 10307(c).

²³ 52 U.S.C. § 20511(2)(a).



- Falsely claiming to be a United States Citizen during the voter registration process.²⁴
- Convincing or attempting to convince anyone to take the above actions.²⁵
- Willfully offering to vote when the person is not a registered elector or to encourage another person to offer to vote when that person is not a registered elector.²⁶
- Voting more than once, or attempting to vote more than once, in the same election.²⁷

It is a misdemeanor for a person to promise to give another person anything of value in return for voting for or against a candidate, ballot question, or other issue on the ballot.²⁸ It is also a misdemeanor to accept anything of value for agreeing to vote at an election, or for agreeing not to vote at an election.²⁹

VI. Absent Voter Ballot Offenses

Absent voter ballots are also subject to regulation. It is a felony for a person, other than a clerk, a clerk's staff member, an election inspector, a person whose job it is to handle mail, a person residing in the voter's household, or a member of the voter's immediate family, to be in possession of a voter's absent voter ballot.³⁰ For the purposes of this prohibition, immediate family members include father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. Additionally, a member of a voter's household may only be in possession of the voter's absent voter ballot if the voter has requested that the household member possess or return the absent voter ballot on the voter's behalf.

It is a felony for a person present when a voter is completing their absent voter ballot to attempt to influence the voter's choice to vote for or against any candidate or ballot question.³¹ It is likewise a felony for a person to

²⁴ 18 U.S.C. §1015(f).

²⁵ 52 U.S.C. § 20511(2)(a).

²⁶ MCL 168.932a(c); 52 U.S.C. § 10307(c).

²⁷ MCL 168.932a(e); 52 U.S.C. § 10307(e).

²⁸ MCL 168.931(1)(a); 18 U.S.C. § 597.

²⁹ MCL 168.931(1)(b).

³⁰ MCL 168.932(e), (f).

³¹ MCL 168.932(h).



organize a meeting or gathering for voters to complete their absent voter ballots in a group setting.³²

VII. Local Authorities: Duty to Enforce Election Laws

All police officers, sheriffs, or other officers of the peace, who are present and who have knowledge of a knowing violation of the Michigan Election Law, have a duty to intervene and prevent the violation from continuing or other violations from occurring.³³ Likewise, all prosecuting attorneys who receive credible information that an election-related offense has been committed, should cause the person who committed that crime to be prosecuted.³⁴ Accordingly, a member of law enforcement has a duty to act when a crime described in this publication occurs, is in process, or is likely to occur.

³² MCL 168.932(i).

³³ MCL 168.941.

³⁴ MCL 168.940.

